

REMARKS

Claims 1-8 and 10-21 are in the application.

With respect to the objection to the drawings, submitted herewith is a replacement sheet in which figure 11 has been corrected. Specifically, figure 11 has been amended to correct reference character S5 as suggested by the Examiner. Accordingly, the objection to the drawings should be withdrawn.

Concerning the rejection to the drawings under 35 U.S.C. 112, second paragraph, the Examiner will note that the claims have been amended to provide antecedent bases where required. Accordingly, this rejection should also be withdrawn.

Applicant respectfully submits that the claims as amended are patentable over the art of record.

Applicant has noted that Claims 11 through 21 would be allowable if rewritten in independent form, however, it is submitted that the remaining claims are also allowable.

Claim 1 has been amended to include the subject matter of Claim 9. It is submitted that Claim 9, and the claims depending therefrom, are also patentable.

In accordance with the reference to Spear et al., the front roof part is in its totality moveably supported on a lateral guide track. The roof is not rotated about a transverse axis; rather the roof is moved down in its original orientation. In other words, when the roof is opened, the roof is moved only in a continuous downward and rearward movement without being pivoted.

In accordance with the invention, it is important that the front roof part is moved initially exclusively horizontally in order to achieve the release of the locking means from the windshield frame. As claimed in Claim 3, this horizontal movement takes place for about 2 to 8 centimeters. The roof part is then moved rearwardly from this released position. Consequently, first a translatory movement and then a pivoting movement take place without a combination of these movements.

During the international phase the present claims were considered patentable. It is important in this connection that the reference does not have any main posts for pivoting the roof part and that, consequently, the initial rearward movement and the subsequent upward movement are not possible. Rather, in the reference, the entire movement is a translatory movement on a curved track.

Therefore, the reference does not anticipate the present invention.

The reference to Seel et al. discloses an exclusive pivoting movement of the roof. The roof is only moveable through a multiple linkage, so that the first lifting of the front roof part from the windshield frame already has an upward component and constitutes a movement about a rotary joint, and not a translatory movement, as is the case in accordance with the invention. In addition, the pivoting movements are superimposed, so that the roof is pivoted from the beginning. The main bearing cannot be displaced rearwardly, but remains at its position.

The references relied on by the Examiner do not disclose or suggest the present invention because the pivoting movement takes place only after the short translatory movement. Also, the translatory movement makes it possible that the pins assume the horizontal position as claimed in Claims 6 and 7, because the front roof part is moved rearwardly from its locked position, without being pivoted upwardly at the same time, which would result in the danger that the pin collides with its support on the windshield frame.

Consequently it is submitted it is clear from the above that the claims presently in the application are allowable.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time
in connection with the application may be charged to our
Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,



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